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FW: 769 MacDonough Street, Brooklyn, NY (Albany Avenue Partners LLC v. 769 M LLC)

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From: Alan Waintraub
Sent: Wednesday, May 04, 2022 1:13 PM
To: Tanisha.Payne@usdoj.gov
Subject: 769 MacDonough Street, Brooklyn, NY (Albany Avenue Partners LLC v. 769 M LLC)

Ms. Payne,

As we discussed, on or about August 29, 2018, Albany Avenue Partners LLC commenced a foreclosure action in Supreme Court, Kings County to foreclose a defaulted mortgage secured by 769 MacDonough Street, Brooklyn, New York. A notice of pendency was filed against the property on August 29, 2018. (The complaint and LP are annexed.)

The plaintiff obtained a judgment of foreclosure and sale on September 2, 2021 and conducted a foreclosure auction of the subject premises on March 24, 2022. In the context of obtaining title insurance on the referee's deed to the subject property, the lien filed by the DOJ in USA v. Aronov et. al. (Cr. No. 408/2019) with a notice of pendency filed 08/26/2020 was located.

At the foreclosure auction, the property was sold for the sums due and owing to the mortgagee on the mortgage and there were no surplus funds obtained from the sale of the property at the auction. (The property went back to the bank for \$1,000.)

I wanted to know if the DOJ would agree to release the notice of pendency as against this property as the foreclosure action and auction have completed themselves and there is no equity to the owner of the property, that being 769 M LLC. Furthermore, Avraham Tarshish only had a 25% interest in the owner LLC as set forth in the annexed operating agreement, with the other 75% being owned by Scott Kushnick, the sole guarantor on the loan.

Please feel free to contact me with any questions.

Regards,

Alan

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